

# Exhibit “3”

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JOHN ZAVALA,  
Plaintiff,

v.

TEXAS LEHIGH CEMENT COMPANY,  
LP, LEHIGH HANSON, INC., and EAGLE  
MATERIALS, INC.,  
Defendants.

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CASE NO. 1:21-CV-00082-RP

**DECLARATION OF JOHN ZAVALA**

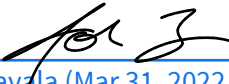
I, John Zavala, hereby declare as follows:

1. My name is John Zavala. I am capable of making this declaration. I am over the age of eighteen (18) years, have never been convicted of a felony, and am competent to testify. The facts stated herein are within my personal knowledge and are true and correct.
2. I worked for Defendant Texas Lehigh Cement Company, LP from June 2012 until December 23, 2019. My final position with the Defendant was Utility Foreman.
3. On December 4, 2017, I was severely injured in a motorcycle accident. I suffered multiple injuries and had to have an above the knee amputation of my left leg.
4. The loss of my left leg greatly affected my life and substantially impaired multiple major life activities I regularly performed before my injury.
5. The loss of my left leg substantially limited multiple major life activities like walking, standing, sitting, reaching, lifting, and bending.
6. When I am not using my prosthetic or other assistance device, I cannot walk or run at all and can stand for a short period of time.
7. For all these activities, I struggle to maintain the needed balance to perform them by only having one leg. I am more susceptible to losing my balance and falling. I also experience

much more pain trying to perform these activities because my body weight is supported by only one leg.

8. For example, I cannot walk normally and need to hop around on my one leg to move around. I certainly cannot walk quickly or run.
9. Standing is substantially impaired for me because of balance and pain issues associated with putting all my body weight on one leg instead of two.
10. Sitting and bending are substantially impaired because of the difficult of moving downward with only one leg to balance myself. I am also more likely to fall while attempting to sit or bend.
11. Lifting and reaching are substantially limited because of the difficulty of moving upward with only one leg to balance myself. For example, I cannot safely pick up my two young children because I fear that I would fall while holding them.
12. I use a prosthetic leg that helps mitigate some of these substantial limitations but not all of them.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 31<sup>st</sup> day of March 2022.

  
John Zavala (Mar 31, 2022 14:47 CDT)  
John Zavala